

~~SEALED~~ Unsealed 4/19/2010
Per #125 H

UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

LARRY WAYNE BARNES, SR., and
LARITA ANNETTE BARNES, a/k/a
"Larita Annette Clark",

Defendants.

Case No. 07-CR-0135-CVE

FILED UNDER SEAL

F I L E D

JUL - 2 2009

SEALED ORDER

Phil Lombardi, Clerk
U.S. DISTRICT COURT

On July 1, 2009, the Tenth Circuit Court of Appeals issued a mandate remanding this case for further proceedings as described in a sealed order. Upon receipt of the mandate, this Court held a sealed, telephonic hearing with counsel for all parties on July 2, 2009. At the hearing, the government orally moved to dismiss the indictment and vacate the judgments and convictions of defendants Larry Wayne Barnes, Sr. and Larita Annette Barnes. Based on the information presented by the government in the sealed hearing, and without objection, the Court finds that the government's oral motion should be granted, and defendants should immediately be released from prison.

IT IS THEREFORE ORDERED that the Judgment and Commitment as to Larita Annette Barnes, a/k/a "Larita Annette Clark" (Dkt. # 84) is vacated, and her conviction is vacated.

IT IS FURTHER ORDERED that the Judgment and Commitment as to Larry Wayne Barnes, Sr. (Dkt. # 88) is vacated, and his conviction is vacated.

cc: Jane Duke, Lance Hopkins, Art
Fleak, BOP Wardens & Recordkeepers
Only viewed: S.K., U.S.P.O.

IT IS FURTHER ORDERED that the government's oral motion to dismiss the indictment is granted, and the indictment (Dkt. # 2) is dismissed.

IT IS FURTHER ORDERED that the Bureau of Prisons is hereby directed to immediately release defendants Larry Wayne Barnes, Sr. (USM #08071-062) and Larita Annette Barnes, a/k/a "Larita Annette Clark" (USM # 10357-062) from custody.

IT IS FURTHER ORDERED that the Court Clerk is directed to notify the Warden and Record Keeper at the institutions where defendants are currently confined of this Sealed Order. The Court Clerk should send this Sealed Order by facsimile to:


FCI El Reno
Attention: Warden Hector Ladezma
P.O. Box 1500
El Reno, Oklahoma 73036
Phone: (405) 262-4875
Facsimile: (405) 319-7626

As to Larry Wayne Barnes, Sr.
USM # 08071-062

FPC Bryan
Attention: Warden Annette Gordon
P.O. Box 2149
Bryan, TX 77805
Phone: (979) 823-1879
Facsimile: (979) 775-5681

As to Larita Annette Barnes
a/k/a Larita Annette Clark
USM # 10357-062

DATED this 2nd day of July, 2009.



CLAIRE V. EAGAN, CHIEF JUDGE
UNITED STATES DISTRICT COURT